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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,463	04/06/2001	Makoto Tabuchi	450100-03126	6156

20999 7590 05/20/2005

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/827,463	Applicant(s) TABUCHI ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14 March 2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 26, there is no antecedent basis for "said virtual file generating means".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto JP-10248048 (US 6,236,802 is a patent family of JP-10248048 is used as

Art Unit: 2616

English translation for JP-10248048) in view of JP-09330552 A) (US 6,301,432 is a patent family of JP 09330552 A used as English translation of JP 09330552 A).

Regarding claim 1, Yamamoto discloses a data recording/reproduction apparatus (See US 6236802, Figs. 2 and 3) provided with a plurality of input/output means for inputting and outputting data including video data and audio data and adapted to record data including video data and audio data input through said input/output means on a plurality of pieces of recording medium non-linearly accessible in allocated time slots means having :

- a video effect processing means for processing the video data in the vicinity of each of said editing point (near in -point) for predetermined specific video effects (Fig. 3, Fig. 15, column 9, lines 40-68) ;

- a video-effect-processed data extracting means for extracting the data processed for the video effects by said video effect processing means (column 11, lines 30-68, Fig. 23));

- a recording control means for controlling said recording/reproduction means so as to record said video-effect-processed data extracted by said video- effect-processed data extracting means on said recording medium (column 11, lines 30-68, Fig. 3) ;

- a first editing means selecting editing points including a starting point and an ending point of a predetermined storage area storing a first material data and a starting point (in point) and an ending point (out point) of a predetermined storage area storing a second material data to be inserted (dubbed) in said first material data (column 7 lines 45-55, column 12, column 18, lines 30-65);

a second editing means for inserting said video-effect-processed data recorded by said recording/reproduction means in said first material data and generating a second piece of editing information for inserting said second material data as modified by the insertion of said video-effect-processed data in said first material data (column 12 and column 18, lines 30-68) ;

a virtual file generating means for generating first virtual file describing the recording area of said first material data (editing list) on said recording medium on the basis of the first piece of editing information generated by said first editing means, a second virtual file (editing list) describing the recording area of said second material data on said recording medium on the basis of the second piece of editing information generated by said second piece of editing information and a third virtual file describing the recording area of said video-effect-processed data on said recording medium (Fig. 15, column 12); and

a reproduction control means for control said recording/reproduction means so as to reproduce the first material data, the second material data and the video-effect-processed data recorded on said recording medium on the basis of the first virtual file, the second virtual file and the third virtual file generated by said virtual file generating means (columns 12 and 18).

Yamamoto fails to specifically teach that the medium is non-linearly accessible in allocated time slots .

Miyawaki teaches an editing apparatus using a medium that is accessible in allocated time slot (See US 6,301,432, columns 1-2) .

It would have been obvious to one of ordinary skill in the art to modify Yamamoto with Miyawaki by providing modified Yamamoto apparatus with a medium accessible in allocated time slot of Miyawaki as an alternative to the non linear accessible medium of Yamamoto for recording, reproducing and editing the video and audio signal in order to access the video and audio signal with high speed..

Regarding claim 2, Yamamoto as modified with Miyawaki further teaches that wherein the non-linearly accessible recording medium comprises a plurality of hard discs (See US 6,301,432, columns 1-2).

Regarding claim 3, Yamamoto discloses a data recording/reproduction method (See US, 6, 236,802, Fig. 3, column 20, lines 32-5) adapted to use a plurality of input/output means for inputting and outputting data including video data and audio data so as to record data including video data and audio data input through said input/output means on a plurality of pieces of recording medium non-linearly accessible and reproduce and output said input/output means any of the data recorded on said recording medium including video data and audio data, said method comprising steps of:

selecting editing points including a starting point and an ending point of a predetermined storage area storing a first material data and a starting point (in point) and an ending point (out point) of a predetermined storage area storing a second material data to be inserted (dubbed) in said first material data (columnn18, lines 30-65);

processing the video data in the vicinity of each of said editing point for predetermined specific video effects (column 17, lines 60-65);

extracting the video-effect-processed data processed for the video effects; (Fig. 3, column 17, lines 40-68

recording said extracted video-effect-processed data extracted on said recording medium (column 17, line 64-68);

generating a first virtual file (editing list) describing the recording area of said first material data on said recording medium, a second virtual file (editing list) describing the recording area of said second material data on said recording medium and a third virtual file describing the recording area of said video-effect-processed data on said recording medium (column 18, lines 15-68, Fig. 3) ; and

reproducing the first material data, the second material data and the video-effect-processed data recorded on said recording medium on the basis of the first virtual file, the second virtual file and the third virtual file generated by said virtual file generating means (column 18, lines 15-68).

Yamamoto fails to specifically teach that the medium is non-linearly accessible in allocated time slots .

Miyawaki teaches an editing apparatus using a medium that is accessible in allocated time slot (See US 6,301,432, columns 1-2) .

It would have been obvious to one of ordinary skill in the art to modify Yamamoto with Miyawaki by providing modify Yamamoto apparatus with a medium accessible in allocated time slot of Miyawaki as an alternative to the non linear accessible

medium of Yamamoto for recording , reproducing and editing the video and audio signal in order to access the video and audio signal with high speed..

Regarding claim 4, Yamamoto as modified with Miyawaki further teaches that wherein the non-linearly accessible recording medium comprises a plurality of hard discs (See US 6,301,432, columns 1-2).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujita teaches an editing apparatus using data entry file for control the editing of audio and video signals.

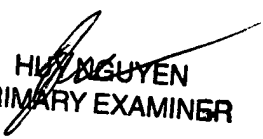
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUU NGUYEN
PRIMARY EXAMINER